

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0213/2dn
RCT:wlj:kjf

October 2, 2001

Susan McMurray:

This is the redraft of the changes to the mining "bad actor" law. Because the redraft instructions appeared to be a complete description of the desired changes in the law, I have removed the provisions of 01-0213/1 that were not described in the redraft instructions.

Current law requires DNR to deny mining permits in some cases in which the applicant or a related person has felony convictions. This redraft expands the bad actor law so that it applies to convictions related to mines outside of the United States. The laws of at least some other countries do not have the distinction between misdemeanors and felonies, so I modified the statutory language to refer to crimes for which the maximum term of imprisonment is at least one year.

As requested, this redraft adds provisions requiring DNR to deny permits based on pollution caused by and discharges from other mines. It seems to me that it might be difficult to apply those in some circumstances. For example, it might be difficult to determine whether a discharge amounted to more than 100,000 tons or whether pollution resulted in more than \$20,000,000 in damages. Also, a cleanup may take many years, so it may be difficult to say whether pollution necessitated a cleanup that cost more than \$20,000,000 within the specified period.

Please let me know if you have questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us